

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL JAY VANPORTFLIET,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:13-CV-1197

WELLS FARGO HOME
MORTGAGE, et al.,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on Defendant 59th District Court's Motion for Fees and Costs. (Dkt. #91). Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Defendant's motion be **granted**.

Plaintiff initiated this action, without benefit of counsel, against numerous individuals and entities. Plaintiff claimed to be "a divine Being. . .seeking a remedy in Admiralty" for various "improper and unlawful actions/political crimes." In actuality, Plaintiff was simply challenging the foreclosure and repossession of a certain piece of real estate. The undersigned subsequently recommended that Defendants' various dispositive motions be granted and this action terminated. Furthermore, finding that "every claim asserted by Plaintiff in this matter is frivolous," the undersigned also recommended that Defendants were "entitled to recover their reasonable attorneys' fees and costs." The Honorable Janet T. Neff entered adopted these recommendations and entered judgment dismissing Plaintiff's claims. With respect to the issue of fees and costs, Judge Neff ordered that "Defendants' Bill

of Costs, if any, shall be submitted to the Court within 14 days of entry of this Order.” Only one defendant, 59th District Court, has submitted a Bill of Costs. Specifically, Defendant seeks \$3,444.50 in attorney fees. Plaintiff has neither responded to nor challenged Defendant’s request.

As the Court previously recognized, a prevailing defendant may recover its reasonable attorney fees incurred defending against frivolous claims. *See Fox v. Vice*, 131 S.Ct. 2205, 2215 (2011); 501 Fed. Appx. 537, 541 (6th Cir., Oct. 5, 2012). Every claim asserted in this matter was frivolous and the amount in attorneys’ fees requested by Defendants is reasonable. Accordingly, the undersigned recommends that Defendant’s motion be **granted** and Plaintiff be ordered to pay to Defendant 59th District Court three thousand, four hundred forty-four dollars and fifty cents (\$3,444.50) within 60 days.

CONCLUSION

For the reasons articulated herein, the undersigned recommends that Defendant 59th District Court’s Motion for Fees and Costs, (Dkt. #91), be **granted** and Plaintiff be ordered to pay to Defendant 59th District Court three thousand, four hundred forty-four dollars and fifty cents (\$3,444.50) within 60 days.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Date: May 8, 2015

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge